



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/522,353	03/09/2000	Giuseppe Puppini	9340.680US11	3094

23552 7590 12/29/2003

MERCHANT & GOULD PC  
P.O. BOX 2903  
MINNEAPOLIS, MN 55402-0903

EXAMINER
----------

CHEVALIER, ALICIA ANN

ART UNIT	PAPER NUMBER
----------	--------------

1772

DATE MAILED: 12/29/2003

24

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action**

Application No.

09/522,353

Applicant(s)

PUPPIN, GIUSEPPE

Examiner

Alicia Chevalier

Art Unit

1772

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 22 September 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

**PERIOD FOR REPLY** [check either a) or b)]

- a) ☐ The period for reply expires \_\_\_\_\_ months from the mailing date of the final rejection.
- b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☒ A Notice of Appeal was filed on 22 September 2003. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ they raise the issue of new matter (see Note below);
- (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_

3. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.
4. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: \_\_\_\_\_.

Claim(s) objected to: \_\_\_\_\_.

Claim(s) rejected: 1-4 and 6-24.

Claim(s) withdrawn from consideration: \_\_\_\_\_.

8. ☐ The drawing correction filed on \_\_\_\_\_ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_.
10. ☐ Other: \_\_\_\_\_

Continuation of 5. does NOT place the application in condition for allowance because:

1. Claims 1-4 and 6-24 are pending in the application. Claims 25-40 were cancelled in paper #22, filed September 22, 2003.
2. Applicant's arguments in paper #22 regarding the 35 U.S.C. 112, first paragraph regarding new matter of record have been carefully considered but are deemed unpersuasive.  
Applicant's argues that they do not understand the Examiner's position the new matter. The new limitations added in paper #20, filed May 9, 2003 recited "wherein a fabric is embedded in the ... hinged region" and further recites that "wherein further at least one portion of said at least one flexible hinged region is coated with a flexible sealant." As stated in the previous final office action, the Examiner has interpreted the new language of claim 1 to mean that the at least one flexible hinged region comprises a fabric embedded in a material and then coated with a flexible sealant. There is no support in the specification for the hinged region to comprise a fabric embedded in a material and then coated with a flexible sealant [emphasis added]. As pointed out in the final office action, the specification only has support for the flexible hinge to comprise a fabric layer coated with a flexible sealant (see figure 1 and 4 and the specification page 5, lines 6-18).  
Applicant's argues, in paper #20, page 5, 3rd paragraph, that the claims recite "a fabric that is embedded into a first and second rigid thermoplastic composite area, and wherein the fabric joins the first and second areas through the at least one flexible hinged region." Claim 1 does not currently recite these limitations. However, as pointed out in the previous office action, Applicant is strongly recommended amend claim 1 using similar language to over come the new matter rejection.  
Applicant does not believe that there is an important difference between rejected subject matter and the subject matter acceptable to the Examiner and they are all supported by the specification take as a whole. The Examiner respectfully disagrees with Applicant's construction of the claim. If Applicant believes that there is support in the specification for the at least one flexible hinged region comprises a fabric embedded in a material and then coated with a flexible sealant, the Examiner respectfully requests that Applicant point out in the specification by page and line.  
Applicant further argues that the claims clearly recite two PVC fabric composite areas joined by a hinge having a common fabric support, etc. These limitations are not in claim 1 [emphasis added]. Furthermore, the construction of claim 1 has already been addressed above.  
Applicant's arguments regarding the art previously of record is moot in view of the current claim language..



**SANDRA M. NOLAN**  
**PRIMARY EXAMINER**

